

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY SMITH,
Petitioner,

v.

SPEARMAN,
Respondent.

Case No. [20-cv-00322-SI](#)

**ORDER DENYING PETITIONER'S
SECOND INJUNCTIVE RELIEF
REQUEST**

Re: Dkt. No. 28

Petitioner, an inmate at the High Desert State Prison, has requested that the court issue an injunction directing prison officials to move him to San Quentin State Prison's ad-seg unit pending his release from prison under Proposition 57, urging that that facility is closer to his home town and placement there will alleviate the errors in his criminal case. The request is DENIED. Docket No. 28. As the court explained in an order issued less than a month ago that denied petitioner's request for an injunction directing prison officials to strike clauses on his burglary conviction and to release him from prison, "[t]he motion is extremely premature. The timeliness of the petition must be decided before the court reaches the merits of the petition. Only if the court determines the petition is timely and is meritorious would the time arrive to determine the sort of relief to which petitioner would be entitled." Docket No. 27. Petitioner may not file any more requests for injunctive relief in this action.

IT IS SO ORDERED.

Dated: March 11, 2021



SUSAN ILLSTON
United States District Judge